

**IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION**

**JAMIE COOMES, SHAWN WILLIAMS,
CHRISTOPHER SLATER, AND ANTHONY
TISBERT,**

Plaintiffs,

-vs-

**CENTERRA LLC., DONALD MARK BOLTON
in his official capacity, KIMBERLY GARLAND,
in her official capacity,**

Defendants.

Plaintiffs, by and through their undersigned counsel, and together bring this Complaint and Notice of Motion and Motion for TRO, Supporting Memorandum and Declarations seeking immediate Injunctive Relief under Federal Rule 65, against the above-named Defendants, their employees, agents, and successors in office, Donald Mark Bolton and Kimberly Garland individually and in their official capacities, and in support thereof alledge the following upon information and belief:

1. Petitioners respectfully request that this Court permit oral argument because the Petition presents novel questions of law; oral argument would aid the Court in rendering a decision.

2. This is a civil action for declaratory and injunctive relief. The basis of Plaintiffs' claims is that Defendants, acting on orders from the United States Government, have taken

action which deprives Plaintiffs of their constitutional rights under the First, Fifth and Fourteenth Amendments to the United States Constitution, and also under the Religious Freedom Restoration Act, *42 U.S.C. § 2000 (b) (b)* et seq. Furthermore, Defendants' actions violate Plaintiffs' statutory rights under The Americans with Disabilities Act, *42 U.S.C. 12101* et seq. and also under Title VII, *42 U.S.C. 2000 (e)* et seq. The result of Defendants' actions is irreparable injury and the Plaintiffs are likely to succeed on the merits of their claims..

3. Plaintiffs' respectfully submit that Defendants' actions taken at the behest of the United States government deprives Plaintiffs of their liberty and privacy rights protected by the Fifth and Fourteenth Amendments to the United States Constitution, in particular the right to refuse medical treatment and the right to bodily integrity. As such, Defendants have acted under color of law to deprive Plaintiffs of their constitutional and civil rights.

4. Plaintiffs' also respectfully submit that Defendants have violated their constitutional and civil rights under the First Amendment's Free Exercise Clause and the Religious Freedom Restoration Act, *42 U.S.C. § 2000 (b) (b)* et seq.

5. Plaintiffs' respectfully allege that Defendants' denials of their requests for accommodation of their medical conditions and religious beliefs violates The Americans with Disabilities Act, *42 U.S.C. 12101* et seq. as well as the anti-discrimination provisions of Title VII, *42 U.S.C. 2000 (e)* et seq.

6. Plaintiffs respectfully submit that Defendants at all times have claimed to be acting pursuant to Executive Order Number 14042 issued by President Joseph R. Biden, issued September 9, 2021. Because Defendants claim that their actions are necessitated by force of law of the Executive Order.

7. Plaintiffs respectfully submit that Defendants' violations of Plaintiffs' civil rights

were taken under color of law and therefore give rise to a cause of action pursuant to *42 U.S.C. § 1983 and 42 U.S.C. § 1988.*

8. Defendants unjustly discriminated against Plaintiffs because of their sincerely held religious beliefs and their viewpoints by mandating that they must take the Covid-19 vaccine in order to remain employed by Defendants.

9. Defendants violated Plaintiffs rights under the First, Fifth, and Fourteenth Amendments, and *42 USC 1983*. Defendants also violated the First Amendment and Title VII of Civil Rights Act, and the Americans With Disabilities Act.

10. Defendants violated Plaintiff's right to privacy and bold integrity under the Fifth and Fourteenth Amendments.

11. Specifically, Defendants' vaccine mandate seeks to override Plaintiffs' sincerely held religious beliefs and viewpoint and discriminates against them on the basis of their religion.

12. As set forth in this Complaint, the policies, practices, customs, and procedures of Defendants were the cause of, and the moving force behind, the statutory, and constitutional violations in this case. The elements required for a TRO are clearly established by the Pleadings and supporting declarations.

13. It is against the calamitous consequences of Executive Order 14042 enforcement that Plaintiffs seek emergency injunctive relief.

14. Plaintiffs can demonstrate that they are likely to succeed on the merits because Defendants are violating the very fundamental constitutional and civil rights of the Plaintiffs and discriminating against employees with disabilities in violation of federal law; Plaintiffs are likely to suffer irreparable harm in the absence of preliminary relief; the balance of equities tips in Plaintiffs' favor; and an injunction is in the public's interest.

15. For the foregoing reasons, and additionally, because these novel questions of law have implications for a majority of the American workforce, the Petitioners request oral argument.

This motion is supported by a Memorandum Of Law and Declarations which will be filed contemporaneously.

Respectfully submitted,

S/ Lauren Martel

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Dated: November 9, 2021